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Letter dated 20 December 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia, containing an account of the Committee's activities from 1 January to 20 December 2002. The report, which was adopted by the Committee on 18 December 2002, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Kishore **Mahbubani**
Chairman
Security Council Committee established pursuant to
resolution 1343 (2001) concerning Liberia

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Annex

Report of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1343 (2001) concerning Liberia covers the period from 1 January to 20 December 2002.

2. A report of the Committee covering its activities from March to December 2001 was submitted to the Security Council on 18 January 2002 (S/2002/83).

3. The Bureau consisted of Ambassador Kishore Mahbubani (Singapore) as Chairman, with the delegations of Mauritius and the Syrian Arab Republic providing the Vice-Chairmen. During this period, the Committee held seven formal meetings in addition to informal consultations.

II. Background information and summary of the work of the Committee

A. Background information

4. By paragraph 5 of its resolution 1408 (2002), adopted on 6 May 2002, the Security Council decided that the arms embargo and the diamond and travel bans imposed by the Council in paragraphs 5 to 7 of its resolution 1343 (2001) would remain in force for a further period of 12 months.

5. In paragraph 13 of resolution 1408 (2002), the Security Council requested the Committee established pursuant to paragraph 14 of resolution 1343 (2001) to carry out the tasks set out in resolution 1408 (2002) and to continue with its mandate as set out in resolution 1343 (2001).

6. By paragraphs 3 and 4 of its resolution 1395 (2002) of 27 February 2002, the Security Council decided to re-establish the Panel of Experts appointed pursuant to paragraph 19 of resolution 1343 (2001) for a further period of five weeks to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a brief independent audit of the Government of Liberia's compliance with paragraph 2 and of any violations of paragraphs 5 to 7 of resolution 1343 (2001). The Panel was to report with its observations and recommendations to the Council through the Committee no later than 8 April 2002.[1] The Panel commenced work on 12 March 2002 and issued its report on 19 April 2002 (S/2002/470).

7. In paragraph 16 of resolution 1408 (2002), the Security Council requested the Secretary-General to re-establish the Panel of Experts for a period of three months to conduct a follow-up assessment mission to Liberia and neighbouring States, in order to investigate and compile a report on the Government of Liberia's compliance with the demands set out in paragraph 2 (a) to (d) of resolution 1343 (2001), on the potential economic, humanitarian and social impact on the Liberian population of the measures imposed under paragraphs 5 to 7 of the same resolution, and on any violations thereof, including any involving rebel movements. The Panel was to

report with its observations and recommendations to the Council through the Committee no later than 7 October 2002.[2] The Panel commenced work on 15 July 2002 and issued its report on 25 October 2002 (S/2002/1115).

B. Summary of the activities of the Committee

8. During the reporting period, the Committee received 29 notifications of travel under paragraph 7 (a) of resolution 1343 (2001), extended by paragraph 5 of resolution 1408 (2002), and considered 54 requests for travel ban waivers under paragraph 7 (b) of resolution 1343 (2001), extended by paragraph 5 of resolution 1408 (2002), of which 24 were granted. It should be noted, however, that 2 of the 54 requests were still being considered by the Committee at the time of adoption of the present report. The Committee's decision on those two requests will be reflected in the next annual report. The Committee has yet to receive any request for exemption of non-lethal military equipment under paragraph 5 (c) of resolution 1343 (2001).

9. The Committee conducted reviews of the travel ban list on four separate occasions, namely on 11 March, 9 July, 4 September and 31 October 2002, during which it considered 19 requests for names to be deleted from or added to the list. The Committee decided to retain the names of 17 persons, to remove the names of 13 persons, and to add the name of 1 individual. The travel ban list was reissued on 4 December 2002.[3]

10. The Committee has had detailed discussions on but has not yet been able to adopt guidelines for the conduct of its work as mandated under paragraph 14 (c) of resolution 1343 (2001). However, this has not deterred the Committee from discharging its mandate effectively, nor has it prevented it from accomplishing much of what it set out to achieve. In this connection, it should be noted that, on 2 July 2002, the Committee agreed on standardized procedures for applying for exemptions from the travel restrictions contained in paragraph 7 (a) of resolution 1343 (2001). Those procedures were subsequently transmitted to the Permanent Mission of Liberia to the United Nations and to the United Nations Peace-building Support Office in Liberia, and were also published on the Committee's web site.[4]

11. Pursuant to paragraph 18 of resolution 1343 (2001), under which States are requested to report to the Committee, within 30 days of the promulgation of the travel ban list, on the actions they have taken to implement the measures imposed by paragraphs 5 to 7 of the resolution, 48 replies have been received from States to date in response to the Committee's note verbale of 7 June 2001 and its follow-up note of 27 August 2001. Four replies have been received in response to the Committee's note verbale of 30 May 2002, circulated pursuant to paragraph 15 of resolution 1408 (2002). The total number of replies received by the Committee on action taken to implement the measures imposed by paragraphs 5 to 7 of resolution 1343 (2001), as extended by paragraph 5 of resolution 1408 (2002), is 52. (Replies received from States pursuant to those resolutions during the period under review are listed in the appendix to the present report.)

C. Violations and alleged violations of the sanctions regime

12. Under paragraph 14 (b) of resolution 1343 (2001), the Committee is mandated "to consider, and to take appropriate action on, information brought to its attention

by States concerning alleged violations of the measures imposed by paragraphs 5 to 7 [of resolution 1343 (2001), and extended by paragraph 5 of resolution 1408 (2002)], identifying where possible persons or entities, including vessels or aircraft, reported to be engaged in such violations, and to make periodic reports to the Council".

13. During the reporting period, the Committee has received no information from States concerning violations of the sanctions regime. Any information in that regard has come to its attention through the reports of the Panel of Experts pursuant to paragraph 19 of resolution 1343 (2001);[5] paragraph 4 of resolution 1395 (2002);[6] and paragraph 16 of resolution 1408 (2002).[7] At its 9th, 11th and 13th meetings, on 12 December 2001, 11 March and 9 July 2002 respectively, the Committee requested the Chairman to address letters seeking information from States alleged in the first[5] of the above-mentioned reports of the Panel of Experts to have violated the sanctions regime. A total of 16 letters were sent to specific countries seeking more information on the alleged violations. Responses were received from Belgium, Burkina Faso, Canada, Ghana, Guinea, Israel, Liberia, the Libyan Arab Jamahiriya and the Netherlands. To date, no responses have been received from Congo, Côte d'Ivoire, Lebanon, Sierra Leone or the United States of America. However, this does not include any response which these countries may have made to the Panel, either verbally or in writing, when the Panel was constituted.

14. Under paragraph 14 of resolution 1408 (2002), the Committee was requested to consider and take appropriate action on information brought to its attention concerning any alleged violations of the measures imposed by paragraph 8 of Security Council resolution 788 (1992) of 19 November 1992 while that resolution was in force. (A number of such alleged violations were detailed in the 25 October 2002 report of the Panel of Experts (S/2001/1015).) On 1 August 2002, the Committee requested the Chairman to address letters seeking information from States alleged to have violated the sanctions regime. A total of 10 letters were sent to specific countries seeking more information on the alleged violations. To date, the Committee has received responses from the Republic of Moldova and the Russian Federation. No responses have been received from Burkina Faso, Côte d'Ivoire (two separate letters addressed), Georgia, Kyrgyzstan, the Niger, Singapore or Ukraine. However, this does not include any response which these countries may have made to the Panel, either verbally or in writing, when the Panel was constituted.

15. The report submitted by the Panel on 19 April 2002 (S/2002/470) was discussed by the Committee on the same date and by the Security Council on 3 May 2002. As with previous reports, the Committee requested the Chairman to address letters seeking information from States alleged in the current report to have violated the sanctions regime. A total of four letters were sent to specific countries (Côte d'Ivoire, Gambia, Guinea and Sierra Leone). To date, responses have been received from Sierra Leone and Guinea. The most recent report of the Panel (S/2002/1115) was discussed by the Committee on 22 and 31 October and on 11 November 2002 and by the Security Council on 25 November 2002. Consequently, a table of violations has been prepared listing the States alleged in the most recent report of the Panel of Experts to have violated the sanctions regime and their alleged violations. I will inform the incoming Chairman to follow up on the issuance of the letters accordingly.

16. On 12 March 2002, the Chairman addressed a letter to the Permanent Representative of Slovakia to the United Nations, expressing the Committee's appreciation for the receipt of a letter dated 5 February 2002 conveying the latest developments regarding the seizure by Slovak customs authorities, in February 2001, of a helicopter gunship believed to be destined for Liberia. The Chairman also informed the Permanent Representative that the Committee had taken account of the measures adopted by Slovakia to strengthen its domestic legislation in order to eliminate the risk of further attempts to violate Security Council sanctions, and to ensure full compliance with such measures.

17. On 10 May 2002, the Chairman addressed a letter to the Permanent Representative of Belgium to the United Nations, thanking him on behalf of the members for his note verbale of 5 March 2002 conveying information pertaining to actions taken by the Government of Belgium in the fight against serious crime, and including information relevant to the work of the Committee in connection with the reports of the Panel of Experts (S/2001/1015 and S/2002/470).

18. The Committee also received a letter from the Government of Liberia, dated 7 June 2002, seeking the Committee's assistance in approaching the High Diamond Council to render technical assistance to the Government of Liberia to set up the Certificate of Origin regime. In response, the Chairman addressed a letter to the Minister for Foreign Affairs of Liberia, dated 11 July 2002, communicating that there was no necessity for such a specific request and drawing attention to paragraph 9 of Security Council resolution 1408 (2002), in which the Council called upon States, relevant international organizations and other bodies in a position to do so to offer assistance to the Government of Liberia and other diamond-exporting countries in West Africa with their Certificate of Origin regimes.

19. In paragraph 10 of resolution 1408 (2002), the Security Council called upon the Government of Liberia to take urgent steps to ensure that revenue derived from its shipping registry and timber industry was used for legitimate social, humanitarian and developmental purposes, and to report back to the Committee on the steps taken and the results of the audit on its shipping registry and timber industry no later than 6 August 2002. In that regard, the Committee received a letter dated 7 August 2002 from the Permanent Representative of Liberia forwarding a letter and report concerning the revenue derived from its shipping registry and timber industry dated 2 August 2002 from the Minister for Foreign Affairs of Liberia. The Committee considered the report at its 14th meeting, on 4 September 2002, and decided that the information contained was inadequate, following which the Chairman addressed a reply requesting the Government of Liberia to submit a report which complied with paragraph 10 of resolution 1408 (2002). In response to a letter from the Permanent Representative of Liberia to the United Nations, dated 3 October 2002, attaching a communication from the Minister for Foreign Affairs of Liberia informing the Committee that the Government of Liberia had entered a contract for a management and systems audit with the firm of Deloitte and Touche, the Chairman addressed a letter to the Permanent Representative of Liberia to the United Nations, dated 24 October 2002, reminding the Government of Liberia of its obligations pursuant to paragraph 10 of resolution 1408 (2002). A subsequent letter addressed to the Chairman, dated 15 November 2002, was received from the Permanent Representative of Liberia to the United Nations, attaching a communication from the Minister for Foreign Affairs of Liberia questioning the basis of the Council's demand pursuant to paragraph 10. The President of the

Security Council then made a statement to the press on behalf of the members of the Council on 26 November 2002, through which the Council renewed its call to the Government of Liberia to, inter alia, commission independent audits of its timber and shipping revenues. The Committee subsequently received a note, dated 10 December 2002, from the Chargé d'affaires of the Permanent Mission of Liberia to the United Nations transmitting a letter from Deloitte and Touche addressed to the Minister of Finance of Liberia, notifying him that Deloitte and Touche was terminating the contract for management and systems audit with the Government of Liberia with immediate effect.

Other activities

20. Under the chairmanship of the delegation of Mexico, whose Permanent Representative to the United Nations serves as the Chairman of the Security Council Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone, the Committee participated in five joint informal meetings with the Sierra Leone sanctions committee and the Security Council Committee established pursuant to resolution 864 (1993) concerning the situation in Angola. The meetings were held on 24 April, 1, 14 and 17 May and 11 June 2002 and were convened to consider a list of topics for discussion which, the members agreed, might be beneficially explored in a joint forum. The topics included: cooperation with regional organizations; improved monitoring capacity; assistance to third States in implementing sanctions; and shared experiences on committee guidelines and working practices. The committees together received briefings from Ian Smillie, diamond expert and former member of the Panel of Experts on Sierra Leone, and from Ambassador Juan Larrain (Chile), Chairman of the Monitoring Mechanism on Sanctions against the União Nacíonal para a Independência Total de Angola (UNITA), on 17 May and 11 June 2002 respectively. The joint informal meetings were held in accordance with Security Council resolution 1306 (2000) of 5 July 2000, in paragraph 7 (e) of which the Council decided that the Sierra Leone sanctions committee should continue its cooperation with other relevant sanctions committees, in particular those pertaining to Liberia and Angola. Further, resolution 1343 (2001) in paragraph 14 (h), includes, among the tasks of the Liberia sanctions committee, cooperation with other relevant sanctions committees, in particular the Sierra Leone and Angola sanctions committees.

21. On 3 May 2002, the Security Council conducted a third six-month review, as provided in paragraph 23 of resolution 1343 (2001), of the measures contained in paragraphs 5 to 7 of that resolution, as well as of Liberia's compliance with the demands of the Council as stated in paragraph 2 of the resolution. The members of the Council considered the report of the Panel of Experts (S/2002/470), the report of the Secretary-General (S/2002/494) dated 1 May 2002 issued pursuant to paragraph 12 of resolution 1343 (2001), inputs from the Economic Community of West African States (ECOWAS) and relevant information provided by the Committee. The members of the Council also had a discussion on a draft resolution on Liberia. Following consultations, the President of the Council made a statement to the press on behalf of the members. On 6 May 2002, at its 4526th meeting, the Security Council unanimously adopted resolution 1408 (2002), by which it decided to extend the sanctions regime under resolution 1343 (2001) for a further period of 12 months.

22. On 26 November 2002, the Security Council completed its first review under paragraph 20 of resolution 1408 (2002), at which it considered the report of the

Panel of Experts (S/2002/1115), the report of the Secretary-General pursuant to paragraph 11 of the resolution (S/2002/1183) and relevant information provided by the Committee. Following consultations, the President of the Council made a statement to the press on behalf of the members, noting, inter alia, that the members had considered the report of the Panel of Experts on Liberia (S/2002/1115) pursuant to paragraph 16 of resolution 1408 (2002) and the report of the Secretary-General (S/2002/1183) pursuant to paragraph 11 of resolution 1408 (2002). The President further noted that the members of the Council had expressed their concern that the Government of President Taylor continued to violate the sanctions, including by importing arms in breach of the arms embargo, and had not met the Security Council's demands as set out in resolution 1343 (2001). The President also stated that the members had agreed that the Council must remain engaged with Liberia and its people. In that regard, the members had also agreed to elaborate a comprehensive approach to the situation in Liberia and the subregion and reaffirmed their support for regional initiatives, including through the Rabat process, ECOWAS and the recently established International Contact Group, to work towards the restoration of peace and stability in the Mano River Union subregion.

III. Observations

23. In the absence of any continuous monitoring mechanism to ensure the effective implementation of the sanctions regime, the Committee urges all States and organizations in a position to provide it with pertinent information to do so.

Notes

[1] For the membership of the Panel of Experts, see S/2002/237.

[2] For the membership of the Panel of Experts, see S/2002/774.

[3] SC/7570/Rev.1.

[4] www.un.org/Docs/sc/committees/Liberia2/.

[5] S/2001/1015.

[6] S/2002/470.

[7] S/2002/1115.

Appendix

Replies received from States in accordance with paragraph 18 of Security Council resolution 1343 (2001) and paragraph 15 of Security Council resolution 1408 (2002)

State	*Date of report*	*Symbol*
Thailand	20 February 2002	S/AC.39/2002/1
Norway	4 April 2002	S/AC.39/2002/2
Luxembourg	20 June 2002	S/AC.39/2002/3
Germany	18 July 2002 26 July 2002	S/AC.39/2002/4 S/AC.39/2002/4/Add.1
Russian Federation	9 August 2002	S/AC.39/2002/5
Qatar	19 August 2002	S/AC.39/2002/6
Brazil	24 July 2002	S/AC.39/2002/7
Colombia	11 November 2002	S/AC.39/2002/8